

**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
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January 15, 2020

VIA ECF

The Honorable Paul G. Gardephe  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**Re: United States v. Lenny Oquendo  
18 Cr. 790 (PGG)**

Dear Judge Gardephe,

Earlier this evening, the government submitted a proposed order of restitution to the Court in the above-captioned case. See Dkt. No. 78.

It was my understanding that the government was going to share a draft of the proposed restitution order with defense counsel before submitting it to the Court.<sup>1</sup> However, tonight's public filing is the first time defense counsel has seen the proposed order. The government also has not produced to defense counsel any of the underlying documents or records that led to the calculations contained therein.

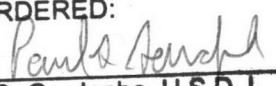
Accordingly, before the Court rules on the government's application, we ask the Court to (1) order the government to turn over the underlying documents and records to defense counsel by January 23, 2020 and (2) allow defense counsel to respond in writing to the proposed order by January 31, 2020.

Respectfully submitted,  
/s/  
Sylvie Levine  
Counsel for Lenny Oquendo

**MEMO ENDORSED**

**The Application is granted.**

**SO ORDERED:**

  
**Paul G. Gardephe, U.S.D.J.**

**Dated:** Jan 20, 2020

<sup>1</sup> MR. WIRSHBA: Your Honor, as to restitution, the government would seek to use a portion of the 90 days that are permissible in order to get to finalize its restitution, and so would ask the Court to allow the government more time.

THE COURT: All right. Ms. Levine, do you have any objection to an order of restitution being submitted later that would provide for restitution to the victim of the offense?

MS. LEVINE: That's fine, Your Honor. I have spoken with Mr. Wirshba, and I imagine he'll send me a draft of it before submitting it to the Court.

MR. WIRSHBA: Of course.